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11 Exxon Mobil Corporation

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
14

15 EXXON MOBIL CORPORATION,  
16  
17 Petitioner and  
Plaintiff,

18 v.

19 SANTA BARBARA COUNTY  
BOARD OF SUPERVISORS,

20 Respondent and  
21 Defendant.

22 and

23 ENVIRONMENTAL DEFENSE  
CENTER, GET OIL OUT!, SANTA  
24 BARBARA COUNTY ACTION  
NETWORK, SIERRA CLUB,  
25 SURFRIDER FOUNDATION, CENTER  
FOR BIOLOGICAL DIVERSITY, AND  
26 WISHTOYO FOUNDATION,

27 Intervenors.  
28

Case No. 2:22-cv-03225-DMG-MRW

**JOINT STATUS REPORT OF  
PARTIES REGARDING PHASE  
II OF LITIGATION PURSUANT  
TO FRCP 26(f) AND L.R. 26-1**

Judge: Hon. Dolly M. Gee  
Courtroom: 8C, First St. Courthouse

1 Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, Rule 26-1 of  
2 the Local Rules of the Central District of California, and the Court’s Scheduling  
3 Conference order, filed June 27, 2022 (Dkt. No. 13), Petitioner and Plaintiff Exxon  
4 Mobil Corporation (“ExxonMobil”), Respondent and Defendant Santa Barbara  
5 County Board of Supervisors (the “Board”), and Intervenor Environmental  
6 Defense Center, Get Oil Out!, Santa Barbara County Action Network, Sierra Club,  
7 Surfrider Foundation, Center for Biological Diversity, and Wishtoyo Foundation  
8 (collectively “Intervenors”) submit the following joint status report regarding Phase  
9 II of this litigation.

#### 10 **I. SYNOPSIS OF PRINCIPAL ISSUES FOR PHASE II**

11 ExxonMobil is the owner and operator of the Santa Ynez Unit (“SYU”) which  
12 consists of three offshore platforms—Hondo, Heritage, and Harmony (the  
13 “Platforms”) located on submerged lands leased from the United States in federal  
14 waters off the coast of the County of Santa Barbara (the “County”)—and an  
15 onshore processing center (“LFC”) located in Las Flores Canyon, near Goleta. In  
16 May 2015, one of two third-party pipelines used to transport crude oil processed at  
17 SYU ruptured. The then-owner and operator of the pipelines subsequently shut  
18 down both pipelines. In September 2017, ExxonMobil filed a permit application  
19 with the County seeking authorization to temporarily truck SYU’s crude oil from  
20 LFC through the County for up to seven years, or until a pipeline became available,  
21 whichever was shorter (the “Trucking Project”). In March 2022, the Board denied  
22 the permit for the Trucking Project, leaving ExxonMobil without any alternative for  
23 transporting oil collected from SYU until an approved pipeline becomes available.

24 ExxonMobil filed this action on May 11, 2022. Pursuant to the request of the  
25 parties, this matter was bifurcated. The first part of this case dealt with  
26 ExxonMobil’s petition for a writ of administrative mandate brought pursuant to  
27 California Code of Civil Procedure section 1094.5 in connection with the denial of  
28 the Trucking Project. *See* Dkt. Nos. 16, 21. The parties brought cross-motions for

1 summary judgment and a hearing was held on September 15, 2023. The Court  
 2 granted summary judgment in favor of the Board and Intervenor on September 27,  
 3 2023. *See* Dkt. No. 54. The next part of this action will address ExxonMobil’s  
 4 remaining claims for declaratory relief and damages related to the Trucking Project  
 5 (“Phase II”).

## 6 **II. PROPOSED SCHEDULE FOR PHASE II**

7 The Board and Intervenor contend that ExxonMobil’s remaining claims—  
 8 (1) violation of the Commerce Clause of the United States Constitution and the  
 9 California Constitution, (2) illegal exercise of police power, and (3) takings in  
 10 violation of the Fifth Amendment to the United States Constitution and Article I,  
 11 section 19 of the California Constitution—may be subject to dismissal upon  
 12 Motions for Judgment on the Pleadings. ExxonMobil maintains that the complaint  
 13 is well pled and meritorious, but will assess whether any amendment to the  
 14 pleadings or other action is warranted after participating in a Local Rule 7-3  
 15 Conference. All parties agree that any Motions for Judgment on the Pleadings  
 16 should be resolved before the exchange of initial disclosures and discovery  
 17 proceeds. ExxonMobil also believes that appropriate next steps in this case and the  
 18 timing thereof may be affected by other recent Board actions related to the  
 19 pipelines; the Board and Intervenor disagree.

20 Accordingly, the parties propose that any Motions for Judgment on the  
 21 Pleadings be heard pursuant to the following schedule, barring any subsequent  
 22 motion or stipulation to adjust this schedule:

- 23 • Dec. 15, 2023- on or before this date, the parties will meet and confer  
 24 to thoroughly discuss contemplated Motions for Judgment on the  
 Pleadings pursuant to Local Rule 7-3.
- 25 • Jan. 26, 2024- Motions for Judgment on the Pleadings due.
- 26 • Feb. 16, 2024- Opposition due.
- 27 • Mar.1, 2024- Replies due.
- 28 • Mar. 22, 2024- Hearing on Motions for Judgment on the Pleading to

1 be held on this date or as soon thereafter as the Court can hear them.

2 Once the Motions for Judgment on the Pleadings are resolved, the parties will  
3 submit a supplemental Rule 26(f) Report if necessary (including a discovery plan  
4 and schedule for the rest of the case).

### 5 **III. SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION**

6 The parties have not engaged in settlement discussions. On May 12, 2022,  
7 the Court issued a Notice to Parties of Court-Directed ADR Program. (Doc. No. 7.)  
8 Pursuant to Local Rule 16-15.4, the parties agree to participate in private dispute  
9 resolution proceedings (ADR Procedure No. 3). The parties propose submitting  
10 dates for dispute resolution proceedings in any supplemental Rule 26(f) report that  
11 would be filed after the resolution of the Motions for Judgment on the Pleadings.

### 12 **IV. OTHER ITEMS**

#### 13 **A. Pleading Amendments**

14 ExxonMobil will assess whether to amend the pleadings or take other action  
15 after participating in the Local Rule 7-3 conference on the Board and Intervenors'  
16 anticipated Motions for Judgment on the Pleadings.

#### 17 **B. Additional Parties**

18 The parties do not anticipate adding other parties to this action.

#### 19 **C. Counsel**

20 Lead counsel for ExxonMobil in this matter is Dawn Sestito. Additional  
21 counsel may include Justine M. Daniels, James Auslander, and Jacob P. Duginski.

22 Lead counsel for the Board in this matter is Mary Pat Barry.

23 Lead counsel for Intervenors Environmental Defense Center, Get Oil Out!,  
24 Santa Barbara County Action Network, Sierra Club, and Surfrider Foundation is  
25 Linda Krop. Additional counsel may include Margaret Hall.

26 Lead counsel for Intervenors Center for Biological Diversity and Wishtoyo  
27 Foundation is Julie Teel Simmonds. Additional counsel may include Elizabeth  
28

Jones.

**D. Whether Magistrate Judge Will Preside**

The Board does not consent to have a mutually agreeable Magistrate Judge from the Court's Voluntary Consent List preside over this action for all purposes.

Dated: October 27, 2023

O'MELVENY & MYERS, LLP

By: /s/ Dawn Sestito

Dawn Sestito

Justine M. Daniels

Attorneys of Record for Petitioner and Plaintiff

Exxon Mobil Corporation

Dated: October 27, 2023

RACHEL VAN MULLEM  
COUNTY COUNSEL

By: /s/ Mary Pat Barry

Mary Pat Barry

Sr. Deputy County Counsel

Attorneys of Record for Respondent and Defendant Santa Barbara County Board of Supervisors

Dated: October 27, 2023

ENVIRONMENTAL DEFENSE CENTER

By: /s/ Margaret M. Hall

Linda Krop

Margaret M. Hall

Attorneys for Intervenors,  
ENVIRONMENTAL DEFENSE CENTER,  
GET OIL OUT!, SANTA BARBARA  
COUNTY ACTION NETWORK, SIERRA  
CLUB, and SURFRIDER FOUNDATION

Dated: October 27, 2023

CENTER FOR BIOLOGICAL DIVERSITY

By: /s/ Julie Teel Simmonds

Julie Teel Simmonds

Elizabeth Jones

Attorneys for Intervenors,  
CENTER FOR BIOLOGICAL DIVERSITY  
and WISHTOYO FOUNDATION

**Attestation re: Signatures of Registered CM/ECF Filers**

Pursuant to Local Civil Rule 5-4.3.4(a)(2)(i), I, Dawn Sestito, as the filer of this joint report, attest that all other signatories listed on the signature page(s), and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: October 27, 2023

By: /s/ Dawn Sestito